

REMARKS

This responds to the Office Action dated on November 13, 2007.

Claims 57 and 65 are amended. Claim 67 is added. Claims 10-12, and 53-67 are pending in this application.

§112 Rejection of the Claims

Claim 57 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Applicant has amended claim 57 to overcome the 35 U.S.C. § 112 rejection.

§102 Rejection of the Claims

Claims 10, 12, 64 and 65 were rejected under 35 U.S.C. § 102(b) for anticipation by Tsubota (U.S. Patent No. 5,361,660).

Claims 10, 12, and 64

Applicant traverses the rejection of claim 10. Applicant believes claim 10 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: wherein the lubricant is concentrated to a pre-determined location on the periphery such that the pre-determined location has more lubricant than other locations on the periphery, as recited in claim 10.

In contrast, the reference discusses that “[t]he cutting oil from the oil supply source 23 is mixed with air and is fed in an atomized state in the form of upward intermittent spurts from the pressurized air supply source to the interior of the cylindrical tool die 11, such that it sticks to the lower tool 7.” (Col. 4, lines 13-18). Thus, the reference discusses blowing atomized oil to cover the interior of the die. The atomized oil apparently covers the interior and the periphery of the die relatively equally. This is not the same as “wherein the lubricant is concentrated to a pre-determined location on the periphery such that the pre-determined location has more lubricant than other locations on the periphery,” as recited in claim 10.

On page 3 of the Office Action, the Examiner states that in Tsubota “each location about the periphery of the die hole is considered to be a specific location on the periphery of the die hole.” However, even if this is true, it does not include the limitation of “such that the pre-determined location has more lubricant than other locations on the periphery.” The entire

periphery of Tsubota's die has generally the same amount of lubricant. There is no portion that has more lubricant than another portion.

Claims 12 and 64 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claim 65

Applicant has amended claim 65 to better describe the subject matter recited in the claim. Applicant believes claim 65 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: delivering a lubricant to the periphery of the open upper end of the die hole, wherein the lubricant directed so as to be concentrated at a specific location on the periphery of the open upper end of the die hole where the punch will cut through the aluminum portion of the sheet and such that the specific location on the periphery of the open upper end of the die hole has more lubricant than other locations on the periphery of the open upper end of the die hole, as recited in claim 65.

In contrast, the reference discusses that "[t]he cutting oil from the oil supply source 23 is mixed with air and is fed in an atomized state in the form of upward intermittent spurts from the pressurized air supply source to the interior of the cylindrical tool die 11, such that it sticks to the lower tool 7." (Col. 4, lines 13-18). Thus, the reference discusses blowing atomized oil to cover the interior of the die. The atomized oil apparently covers the interior of the die and the periphery of the open upper end of the die hole relatively equally.

Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 11 and 66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsubota (U.S. Patent No. 5,361,660) in view of Klint et al. (U.S. Patent No. 3,288,715, hereafter "Klint").

Claims 11 and 66 include each limitation of their respective parent claims and are not obvious in view of the cited references since the secondary reference does not overcome the

deficiencies of the primary reference discussed above. Reconsideration and allowance is respectfully requested.

Claim 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsubota in view of 3M.

Claim 57 includes each limitation of its parent claim and is not obvious in view of the cited references since the secondary reference does not overcome the deficiencies of the primary reference discussed above. Reconsideration and allowance is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 359-3267

Date

2/13/08

By

Peter C. Maki

Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13 day of February 2008.

Nicole Jara

Name

Signature